

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

IN RE: AMH, a minor, d/o/b 1/28/99,

By Next Friends,

JERRY L. BAKER and wife

LOUISE K. BAKER,

Petitioners,

THE HONORABLE ROBERT E. COOPER, JR.

The Attorney General & Reporter of the
State of Tennessee,

and

THE HONORABLE CURTIS S. PERSON, JR.,

Judge, Juvenile Court of Memphis and
Shelby County, Tennessee,

Respondents.

NO.3:07cv621
JUDGE HAYNES

ORDER

Before the Court is a writ of *habeas corpus* under 28 U.S.C. § 2254 and a motion for a temporary restraining order. Petitioners, AMH, a minor by Jerry L. Baker and wife Louise K. Baker as next friends challenge a state court's order for the custody of AMH. The state court with jurisdiction over custody issues is the Respondent Curtis S. Person, Judge of the Juvenile Court of Memphis and Shelby County, Tennessee.

Under 28 U.S.C. § 2241(d), "an application for a writ of habeas corpus . . . may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him"


Although this petition does not involve a conviction or sentence, the controversy arose in Memphis and Shelby County that are both located in the Western District of Tennessee. 28

U.S.C. §§ 123(c)(2). The principal parties in this action are in Shelby County. In the event of discovery and/or an evidentiary hearing, Shelby County is a more appropriate forum. Therefore, venue for this action is properly in the Western District of Tennessee. 28 U.S.C. § 1406(a).

Accordingly, the Clerk shall electronically transfer this action forthwith to the United States District Court for the Western District of Tennessee, at Memphis, Tennessee. 28 U.S.C. § 123(c)(2); 28 U.S.C. § 1406(a).

It is so **ORDERED**.

ENTERED this the 28 day of June, 2007.


WILLIAM J. HAYNES, JR.
United States District Judge